

GENERAL ORDER No 60

POST-JUDGMENT REVIEW OF SENTENCES IN CRACK COCAINE CASES PURSUANT TO UNITED STATES SENTENCING COMMISSION'S AMENDMENTS TO POLICY STATEMENT § 1B1.10

On December 11, 2007, the United States Sentencing Commission promulgated Amendment 706 (as amended by 711) to the Sentencing Guidelines, authorizing retroactive changes to sentences imposed for crack cocaine offenses. There appear to be a number of defendants sentenced in the Northern District of California who may be eligible under 18 USC § 3582(c)(2) to seek reductions in sentences imposed on them for crack cocaine offenses because of the amendment. Criminal Rule 32-7(b) provides for disclosure of presentence reports and related records on a case-by-case basis by the sentencing judge or, if the sentencing judge is unavailable, by the general duty judge. To expedite court action and to conserve judicial resources, this general order creates an exception to Rule 32-7(b) for applicable cases during a finite time period.

During calendar year 2008, the United States Probation Office is authorized to disclose to the Federal Public Defender's Office, or to other counsel for the defendant if one has been appointed or retained, and to the United States Attorney's Office, the Presentence Report and the Statement of Reasons for any defendant in custody on a sentence imposed for cocaine base (crack) who seeks a sentence reduction under 18 USC § 3582(c) as a result of Amendment 706 (as amended by 711) to the United States Sentencing Guidelines.

This general order sunsets on December 31, 2008, after which the procedures in Criminal Local Rule 32-7(b) shall apply exclusively.

ADOPTED: March 25, 2008

FOR THE COURT:



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Vaughn R Walker